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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,042	06/24/2003	Weiqing Weng	99B047A	2387
23455	7590	02/14/2005	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY 5200 BAYWAY DRIVE P.O. BOX 2149 BAYTOWN, TX 77522-2149			LU, C CAIXIA	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,042

Applicant(s)

WENG ET AL.

Examiner

Caixia Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/24/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 4, paragraph [0016]: incomplete sentences of " Charging a 2-liter ... with 200 ml of propylene." are ungrammatical.

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: providing full support for the limitation of "an 11% or greater increase in molecular weight distribution" of claims 23-44.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 14-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Ushioda et al. (WO99/11680).

Ushioda teaches a propylene polymerization process comprising polymerizing propylene, α,ω -diene such as 1,9-decadiene in the presence of a zirconocene catalyst, wherein, hydrogen can be introduced to the polymerization system as a molecular weight regulator (Abstract, third paragraph of page 14 and Example 1 of page 17). It is noted that Ushioda does not disclose the metallocene complex is a mixture of meso and

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racemic, however, metallocene complexes are in general in the form of mixture of meso and racemic unless it is indicated otherwise. Ushioda's teaching encompasses the instant claims.

Allowable Subject Matter

5. Claims 1-13 and 23-44 are directed to a process of incorporating a diene to an olefin polymerization process in the presence of a metallocene catalyst to provide a polyolefin with lowered MFR or 11% or greater increase of molecular weight distribution compared with an olefin polymer prepared by a polymerization process conducted under the same condition except that the diene monomer is not used.

In Ushioda (EP 1 008 607 A1), Example 1 teaches a polymerization process comprising contacting 1,9-decadiene, propylene and a silica supported metallocene to provide a polypropylene. It seems Ushioda's process comprises the same steps as the process of the instant claims. However, Ushioda's Comparative Example 2 teaches a propylene polymerization process similar to Example 1 except the 1,9-decadiene is not used, wherein, the melt flow ratio (MFR) of 9.6 g/10 min and molecular weight distribution 2.4 of Comparative Example 2 are almost the same as the MFR of 9.5 g/10 min and molecular weight distribution of 2.5 of Example 1. Apparently, Ushioda's comparative result shows that the polymerization process does not inherently provide olefin polymers with lower the MFR response and broaden the molecular weight distribution by 11% when the polymerization process is conducted in the presence of the metallocene catalyst and α,ω -diene. Therefore, the processes of the instant claims are deemed to be novel.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.



Caixia Lu, Ph. D.
Primary Examiner
February 9, 2005